

# Notice of Allowability

Application No.

10/783,231

Examiner

Adam R. Giesy

Applicant(s)

FADEYEV ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/18/2007.
2. ☒ The allowed claim(s) is/are 1-3, 5, 6, 10-30 and 32 renumbered as 1-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Lawrence Edelman on 10/25/2007.
3. The application has been amended as follows:

*In the claims:*

**In claim 30**, lines 3-4 of the claim, "b) a means for extracting metrological data from said analog audio data, wherein said means for extracting comprises:" has been changed to -- extracting metrological data from said analog audio data, wherein said extracting comprises:--

**In claim 30**, line 6 of the claim, "a means for transforming..." has been changed to -- transforming...--

### ***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance:

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 1-3, 5, 6, and 10-29 are allowed. Please see reasons for allowance as discussed in the previous Office Action mailed on 9/5/2007.

Claim 30 is allowable over prior art of record since the claim recites a method for reconstructing a mechanical recording, comprising: a) providing a mechanical recording comprising analog audio data; b) extracting metrological data from said analog audio data, wherein said extracting comprises: i) imaging said modulated groove with digital image sectioning; and c) transforming said metrological data into an audio extraction of said mechanical recording.

Claim 32 is allowable over prior art of record since the claim recites a method of extracting an audio signal from a mechanical recording having a modulated groove on a surface, wherein said groove is formed by a modulated curvilinear longitudinal profile substantially orthogonal to a plurality of sequential transverse profiles from beginning to end of the groove, said longitudinal profile at each point in the transverse profile substantially tangent to said surface, each transverse section comprising two side surfaces and a bottom surface distanced from said surface, comprising: i) profiling said mechanical recording to form a metrological data set comprising metrological data, said profiling step comprising: imaging said modulated groove with digital image sectioning; and ii) processing said metrological data set by obtaining transverse profiles of said longitudinal profile representative of the modulated groove in three dimensions; and iii) further processing said metrological data set to reconstitute said audio signal defined by variations in the modulation of said modulated groove.

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The closest prior art by Singer (US Pat. No. 6,829,207 B1) discloses a method of digitally reconstructing a phonograph record using physical measurements. Singer does not disclose digital image sectioning in order to read the groove wobble in the phonograph record.

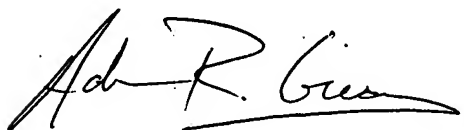
**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam R. Giesy whose telephone number is (571) 272-7555. The examiner can normally be reached on 8:00am- 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARG 10/25/2007



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